

## TITLE 6

### ANIMALS

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### CHAPTER 6.04

#### DOGS

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6.04.01 Definitions The following words and phrases shall for the purpose of this chapter have the following meaning:

**Dogs** - when used herein shall include animals of all ages, both female and male, which are members of the canine or dog family.

**Owner** -every person, firm or partnership or corporation owning, keeping or harboring a dog within the corporate limits of the city.

**At large** -any dog not confined to the premises of the owner or within a house or other building, or enclosed or restrained on the premises of the owner by a leash sufficiently strong to prevent the dog from escaping and restricting the dog to the premises, or not confined by leash or confined within an automobile when away from the premises of the owner.

REFERENCE: West Helena Ord. No. 1122.

**Vaccination or inoculation** - an injection of any vaccine for rabies approved by the Arkansas State Board of Health, and administered by a licensed veterinarian or agent of the Arkansas Health Department.

REFERENCE: West Helena Ord. No. 720.

6.04.02 Number of dogs It shall hereafter be unlawful for any person, firm or corporation to own, keep or harbor more than four (4) dogs over six (6) months old within the corporate limits of the city, except that this provision shall not apply to proprietors of dog hospitals and veterinarians when such dogs are kept upon the premises used by such dog hospital and veterinarians as their normal place of business. Keeping, on the premises of the owner, of more than four (4) dogs shall be prima facie evidence of violation of this section, and the burden of proof shall be on the owner to show the ages of such dogs.

REFERENCE: West Helena Ord. No. 1122.

6.04.03 Confinement of dogs Any person owning, possessing, or keeping a dog or dogs whether vaccinated or unvaccinated, licensed or unlicensed, shall confine such a dog or dogs within an adequate fence or enclosure, or within a house, garage, or other building, or shall confine such dog or dogs by a chain or leash affixed to the dog's collar and attached to some substantial stationary object adequate to prevent the dog or dogs from running at large.

REFERENCE: West Helena Ord. No. 1122.

6.04.04 Confinement other than on premises of owner At all times when not confined as stated in Section 6.04.03 the owner of any dog or dogs shall confine such dog or dogs within an automobile or by having one end of a rope or leash affixed to some substantial stationary object, or held by some person competent to control such dog or dogs.

REFERENCE: West Helena Ord. No. 1122.

6.04.05 Running at large No person owning, possessing or keeping a dog shall allow the same to run at large within the city.

REFERENCE: West Helena Ord. No. 1122.

6.04.06 Impounding of dogs, destroying of dogs The Animal Control workers of the city shall take into custody any dog found at large in the city and shall impound the dog in the city Animal Shelter or such other place as such Animal Control workers may designate for the purpose of impoundment. Such impounded dog shall be held for a period of thirty (30) days at the end of which time the dog shall be destroyed unless custody of the dog is released prior thereto under the following conditions: During the first six (6) days of such impoundment the Animal Control workers of the city shall make a diligent effort to determine the owner of such dog and notify him of such impoundment. If the owner of such dog fails or refuses to claim and repossess such dog by the payment of the proper fee as prescribed herein within the first six (6) days of such impoundment then the Animal Control workers of the city may deliver custody and possession to any person other than the owner and upon the payment of the fee as prescribed herein between the sixth (6<sup>th</sup>) day of said impoundment and the thirtieth (30<sup>th</sup>) day of impoundment. (Ord. No. 2006-1, Sec. 1.)

REFERENCE: West Helena Ord. No. 1122.

6.04.07 Reclaiming dogs; fee for reclaiming Any person owning, possessing or keeping a dog which has been allowed to run at large and which has been impounded may claim and retrieve such dog from the city animal shelter by payment of a fee of Five Dollars (\$5.00) if the dog has been vaccinated within the year next preceding such impounding, and is currently licensed as required by law, or by a fee of Twenty-Five Dollars (\$25.00) in the event the dog has not been vaccinated within a year preceding the impoundment and is not currently licensed. The burden of proof as to vaccination and licensing shall be upon the party attempting to claim the dog from the animal control worker under this chapter. Any person claiming unvaccinated and unlicensed dogs shall, after the payment of the fee assessed herein, and prior to the release of the dog, sign a promise in writing to the Animal Control Officer that such person will immediately have the dog vaccinated and licensed if the animal is released to him. The Animal Control worker shall keep such statements in a safe place, and should such a statement be signed and the dog be again impounded and the dog not having been vaccinated and licensed as promised, then the animal control worker, prior to releasing shall require a fee of One Hundred Dollars (\$100.00) to be paid by the person claiming the dog, and require another promise in writing to have the dog licensed and vaccinated before he shall release the dog to the person claiming same. Upon each subsequent impoundment of such dogs, the same not having been vaccinated and licensed, an additional fee of One Hundred Dollars (\$100.00) shall be assessed.

REFERENCE: West Helena Ord. No. 1122.

6.04.08 Barking and howling It shall hereafter be unlawful for any person, firm or corporation to keep on his premises, or under his control, any dog which by loud and frequent barking and howling shall disturb the peace and quiet of any person who may reside within reasonable proximity of the place where such dog is kept.

REFERENCE: West Helena Ord. No. 1122.

6.04.09 Condition of pen and premises It shall be unlawful for any person, firm or corporation keeping or harboring dogs to fail to keep the premises where such dogs are kept free from offensive odors to the extent that such odors are disturbing to any person residing within reasonable proximity of the said premises; and it shall be unlawful to allow premises where dogs are kept to become unclean and a threat to the public health by failing to diligently and systematically remove all animal waste from the premises.

REFERENCE: West Helena Ord. No. 1122.

6.04.10 Notice of offense and violation, arrest The Police Department, Health Officer and control worker, or persons employed by such departments, are authorized, for violation of any portion of this chapter to give to the offender a notice to appear in the District Court, Criminal Division, of the city. Such notice to appear shall state the name and address of the violator and the date of the violation, shall contain a statement of the nature of the violation and be signed by the person having knowledge of such violation and who is also a member of one of the departments of the city before mentioned. The notice shall contain a printed statement in which the violator promises to appear in the District Court, Criminal Division, without issuance of any warrant or other process and which statement is to be signed by the violator. Upon failure to sign agreement to appear, the officer or employee shall swear out a complaint and the usual procedure upon the filing of complaints in the District Court shall govern the arrest and trial of the violator. Upon the violator's signing the agreement to appear and his appearance as set out in the notice, no warrant shall issue for the arrest of the violator.

REFERENCE: West Helena Ord. No. 1122.

6.04.11 Penalty for violation of Secs. 6.04.01 - 6.04.10 Any person violating Secs. 6.04.01 - 6.04.10 of this chapter shall be deemed guilty of a misdemeanor and shall be punished, upon conviction, by assessment of a fine of from Five Dollars (\$5.00) to One Hundred Dollars (\$100.00).

REFERENCE: West Helena Ord. No. 1122.

6.04.12 Vaccination Every person in the city who owns or has in his or her possession or who keeps or harbors any dog within the limits of the city, shall have and keep such dog inoculated or vaccinated against rabies, as provided by the laws of the state of Arkansas, and as provided by the rules and regulations prescribed and promulgated by the Arkansas State Board of Health, and it shall be unlawful for any person to own, possess, or keep or harbor any dog within the city limits unless such dog has been so inoculated or vaccinated against rabies. Said vaccination shall be administered each year on or before the first day of April of each year.

REFERENCE: West Helena Ord. No. 720.

6.04.13 License fee; date due It shall hereafter be unlawful for any person, firm or corporation to own, keep or harbor a dog within the corporate limits of the city without having first paid to the City Clerk an annual license fee of Five Dollars (\$5.00) for each dog. No license shall be issued without prior proof of compliance with the inoculation requirements of Sec. 6.04.12 of this chapter. The license fee required by this section shall be due and payable on or before the first day of May of each year. (Ord. No. 2006-1, Sec. 2.)

REFERENCE: West Helena Ord. No. 720.

6.04.14 Tags; display of Upon payment of the license fee required by this section, it shall be the duty of the City Clerk or an administrative assistant or agent to furnish the owner of the dog with an appropriate tag. Every dog covered by this chapter must have and wear a collar or harness of such type that the city license tag may be firmly attached to said collar or harness. Such tag, when issued, shall at all times be securely attached to the dog's collar or harness, and failure to keep such tag on the dog's collar or harness shall be unlawful.

REFERENCE: West Helena Ord. No. 720.

6.04.15 Impounding of dogs having rabies or symptoms thereof If any dog within the city limits shall at any time have rabies, or shall be suspected by the County Health Officer, or the City Sanitation Officer, or their duly authorized representatives, of having rabies, or shall have been exposed to rabies, such dogs shall be safely confined, and in all respects dealt with in accordance with the directions of the County Health Officer and/or the City Sanitation Officer.

REFERENCE: West Helena Ord. No. 720.

6.04.16 Confinement required after biting Every dog, whether vaccinated or unvaccinated, must be confined, at the expense of the owner, for a period of ten (10) days immediately after the biting, in the city pound or in a private veterinary animal hospital. If death occurs to such dog or dogs, it or their heads must be appropriately shipped, at the expense of their owner, to the Arkansas Hygienic Laboratory.

REFERENCE: West Helena Ord. No. 720.

6.04.17 Dog having rabies running at large If any dog suffering from rabies or reasonably suspected of suffering with rabies or is known to have been exposed to rabies, is caused or permitted to be at large within the limits of the city, such dog may be killed by any police officer of the city, or by any person officially charged with the duty of impounding dogs within the city. The heads of said dogs must be appropriately shipped, at the expense of their owner, to the Arkansas Hygienic Laboratory.

REFERENCE: West Helena Ord. No. 720.

6.04.18 Unlawful to allow vicious dogs to run at large No dogs of dangerous, vicious, fierce propensities or tendencies may be at large at any time within the city and it shall be unlawful for the owner or other person having such dog in his or her possession or under his or her control, or in any manner keeping or harboring such dog within the city to cause or permit such dog to be at large in the city.

REFERENCE: West Helena Ord. No. 720.

6.04.19 Right to destroy vicious dog If any dangerous dog, or dog having dangerous propensities or tendencies herein defined is found at large after the owner thereof has previous knowledge or notice that such dog is dangerous or has dangerous propensities or tendencies, then such dog may be killed by any police officer in the city without such officer having to catch or impound the dog.

REFERENCE: West Helena Ord. No. 720.

6.04.20 Penalty for violation of Secs. 6.04.12 - 6.04.19 Any person, firm or corporation violating Secs. 6.04.12 - 6.04.19 of this chapter shall be deemed guilty of a misdemeanor, and shall be punished upon conviction by assessment of a fine of from Five Dollars (\$5.00) to Twenty-Five Dollars (\$25.00), for each offense. Each day the violation continues shall constitute a separate offense.

REFERENCE: West Helena Ord. No. 720.

## **CHAPTER 6.08**

### **OTHER ANIMALS AND FOWL**

#### **Sections:**

6.08.01	Cruelty to animals
6.08.02	Unlawful to allow vicious animal to run at large
6.08.03	Disturbing the peace
6.08.04	Running at large, impounding, feeding
6.08.05	Right to kill animals
6.08.06	Condition of stables
6.08.07	Number of animals
6.08.08	Reptiles
6.08.09	Running at large, impounding
6.08.10	Reclaiming animals
6.08.11	Disposal of animals
6.08.12	Penalty

6.08.01 Cruelty to animals No person shall cruelly treat any animal in the city in any way; any person who inhumanly beats, underfeeds, overloads or abandons any animal shall be deemed guilty of a violation of this chapter.

REFERENCE: West Helena Ord. No. 1116.

6.08.02 Unlawful to allow vicious animal to run at large It shall be unlawful to permit any dangerous animal or vicious animal of any kind to run at large within the city, exhibitions or parades of animals which are ferae naturae in the eyes of the law may be conducted only upon securing a permit from the city.

REFERENCE: West Helena Ord. No. 1116.

6.08.03 Disturbing the peace It shall be unlawful to harbor or keep any animals which disturb the peace by loud noises at any time of the day or night.

REFERENCE: West Helena Ord. No. 1116.

6.08.04 Running at large, impounding, feeding It shall be unlawful to permit any cattle, horse, mule, swine, sheep, goat, rabbit or poultry to run at large in the city; any such animal running at large in any public place in the city shall be impounded in the manner provided in this chapter. It shall further be unlawful to picket or tie any such animal in any of the streets of the city for the purpose of grazing or feeding.

REFERENCE: West Helena Ord. No. 1116.

6.08.05 Right to kill animals The members of the Police Department or any other person so authorized in the city, are authorized to kill any dangerous animal of any kind when it is necessary for the protection of any person or property.

REFERENCE: West Helena Ord. No. 1116.

6.08.06 Condition of stables No person shall cause or allow any stable or place where any animal or fowl is or may be kept to become unclean, or unwholesome, and it shall be unlawful to keep any live horses, mules, cattle, swine, goats or sheep in the city.

REFERENCE: West Helena Ord. No. 1116.

6.08.07 Number of animals It shall be unlawful for any person to keep, harbor, or have custody of more than two (2) rabbits, chickens, geese, ducks and other domestic fowl solely as pets. This section shall not apply to the keeping of small caged birds solely as pets.

REFERENCE: West Helena Ord. No. 1116.

6.08.08 Reptiles No dangerous or poisonous reptiles may be maintained by any person other than bona fide educational or medical institutions for the purpose of instruction or study, provided such reptiles are securely confined and are properly cared for in a manner satisfactory to the director of Public Health.

REFERENCE: West Helena Ord. No. 1116.

6.08.09 Running at large, impounding Any animal or fowl hereinbefore stated that is found running at large within the city is hereby declared to be a nuisance and shall be impounded in some suitable place designated by the city.

REFERENCE: West Helena Ord. No. 1116.

6.08.10 Reclaiming animals The owner or owners of any animals or fowl impounded hereunder may redeem the same by paying all the costs, charges and penalties assessed, if any, that have accrued up to the time of making the redemption, and when the same are paid to the city, it shall be released to the owner thereof.

REFERENCE: West Helena Ord. No. 1116.

6.08.11 Disposal of animals Immediately after impounding any animal or fowl hereinabove stated, it shall be the duty of the Police Department to enter upon a book to be kept by said department for that purpose, the date of impounding and a description of the animal or fowl impounded.

Public notice of the impounding of such animal or fowl shall be given by posting a description of such animal or fowl and date of impounding on the bulletin board in the Police Department at the city hall. Any such animal or fowl not redeemed by the owner thereof within thirty (30) days after the posting of such notice shall be and it is hereby declared to be a public nuisance. The Police Department shall immediately thereafter dispose of said animal or fowl by public sale with the proceeds being first applied to the cost of impoundment and the balance deposited in the city treasury. (Ord. No. 2006-1, Sec. 3.)

REFERENCE: West Helena Ord. No. 1116.

6.08.12 Penalty Any person, firm or corporation violating any provision of this chapter shall be deemed guilty of a misdemeanor and shall be fined not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00) and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

REFERENCE: West Helena Ord. No. 1116.